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10/801,531	03/17/2004	Debra DallaGrana Miller	062834-0227	2299
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EXAMINER FEENEY, BRETT A				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,531

Applicant(s)

MILLER ET AL.

Examiner

BRETT FEENEY

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/29/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Change in Examiner

1. The current Examiner respectfully notes that Brett Feeney is the new Examiner for the instant application. Further correspondence should be directed to Examiner Feeney as appropriate.

Status of the Claims

2. This **NON-FINAL** Office action is in response to communications received on June 29, 2010.
3. No amendments to the claims have been made. No new claims are presented. No claims have been canceled.
4. Claims 1-18 are currently pending.

Response to Arguments

5. Applicant's arguments received 06/29/2010 have been fully considered by the Examiner. In response to Applicant's arguments the Examiner has withdrawn the previous rejections under §103 and entered a new rejections under §103. Accordingly Applicant's arguments are moot.

Claim Rejections - 35 USC §103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3, 4, 6, 7, 13, 14, and 17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Huang et al. US 5,953,707 (herein Huang) in view of Landvater US 6,609,101 (herein Landvater).

Claim 1

Huang discloses a computer implemented method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network (fig. 5, 12), comprising:

- *obtaining, during a current product sales promotion, via the network from a plurality of stores in a first region, each store associated with a respective distribution center within the first region, point of sale data for a first period of time less than a length of time allotted for a current product sales promotion (FIG 12 and associated text in column 18, lines 45-67; noting "Demand History Data" "POS Data", "Market Data", "Promotion Data" "as well as top-down and bottom-up [(i.e. bottom-up is from lowest level of granularity which may represent a store, department, display within a department, etc.)] Forecast data." Further, see column 19, lines 1-7; noting "results of such an analysis [referring to analysis of*

present promotion)) are then used to help adjust forecasts to account for the promotions." Further see also column 20, lines 40-42; noting data may be broken down by product group, region, customer group, etc. Even further, see column 33, lines 8-15; noting each customer and vendor product is associated with a specified distribution network that includes a specific "warehouse", "distribution center", "store" and other relevant data. Even further, see also column 79, lines 45-53; noting Huang discloses short-term, rolling horizon planning, which are plans "made frequently (even before the end of the previous planning horizons [(i.e. in the middle of a planned promotion)]), thus taking into advantage updated information about demands and production capacities.";

- *causing, during the current product sales promotion, a computer calculation of a product demand level for stores associated with at least one distribution center for the current product sales promotion based on an outlook model and the point of sale data* (see column 18, lines 45-67; noting "[t]he SFP Module will then use Demand Orientation Data as well as other inputs e.g. Promotion and POS Data, to develop customer-centric bottom-up forecasts in Forecast Data." Further noting "Sales Promotion Analysis-The MDA Module reviews the demand history from POS Data and Demand History Data along with the customer promotion information from Promotion Data". Further, see column 19, lines 1-7; noting "the SFP and MDA Module can evaluate the quality of enterprise's forecasts and customer projections." Further, see also column 33, lines 8-15; noting the store data is associated with the distribution center which is assigned thereto. Further

see column 79, lines 45-53; noting Huang discloses an exemplary calculation using a short-term, rolling horizon planning, which enables "taking into advantage updated information [i.e. POS data as noted *supra*] about demands and production capacities");

- *causing, during the current product sales promotion, a computer calculation of a product amount for the at least one distribution center based at least in part on the product demand level for stores associated with the at least one distribution center (id. Further see column 19, lines 20-61; noting "customer specific sales forecast based on historical shipment to the customer, POS information at the customer location, and the customer's own forecast regarding future orders."* Further, see column 79, lines 45-53 noting Huang discloses short-term, rolling horizon planning, which are plans "made frequently (even before the end of the previous planning horizons [includes the planned product demand level]), thus taking into advantage updated information about demands and production capacities.");
- *taking, during the current product sales promotion, an electronic action based on the product amount for the at least one distribution center (see column 21, lines 65-67 and column 22, lines 1-56, forecast performance evaluations are exemplary electronic actions based on the product amount. Further noting planning future promotions is another electronic action. Further refining safety stock policies and generating different forecast matrices are additional exemplary electronic actions. Further see also column 79, lines 45 *et seq.*; noting the refined*

forecasts models and delivery plans are other exemplary electronic actions.

Further noting that deliveries or non-deliveries may scheduled according to the changes in demand compared with the planned promotion).

Huang teaches updating promotion forecasts, ordering and the like based on POS data and other data that pertains to adjusting a forecast. Huang does not explicitly recite causing, during the current product sales promotion, a calculation of a product demand level for the current product sales promotion based on an outlook model and the point of sale data *per se*. In analogous art Landvater teaches the same (see column 5, lines 7-17; noting “determining time-phased product sales forecasts for a retail store supply chain using product sales data generated by retail stores in the chain and at least one of: by determining an initial projected sales amount for a product before a promotion for said product to account for increased demand as a result of said promotion; and by determining said projected sales for a product during a promotional period for said product on a daily basis using daily sales data generated during said promotional period for said product.”).

It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to combine the method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network of Huang with the step of during the current product sales promotion, calculating a product demand level for the current product sales promotion based on an outlook model and the point of sale data taught by Landvater because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the

same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 3

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses:

- *wherein the outlook model is for the first region, and wherein the causing a computer calculation of a product demand level for stores associated with at least one distribution center is based at least in part on a product demand level for the stores in the first region for the current product sales promotion based on the outlook model and the point of sale data* (see FIG 9 and associated text; noting that specific components are related to distribution centers. Further see FIG 12 and associated text; noting the Promotion Data and Demand Information are fed into the MDA and SF&P modules. Further noting; the "Distribution Network: Define the customer as well as the vendor's product distribution networks that are relevant to the VMR program. It identifies which product is being distributed from which vendor warehouse and which customer Distribution Center (or store) are assigned to each warehouse. Distribution Center (DC) Profile: Define the main attributes of a customer DC or a vendor warehouse including its location (city and state) information." Further, see FIG 14 and associated text; noting Promotion and POS Data are input into the demand module wherein the Demand module reconciles historical orders and incoming data. Further, see FIG 52 and associated text; noting data domains include

regions such as the exemplary "east coast customers" domains shown and described. Even further, see FIG 59 and associated text; noting promotion plans are broken down by product type, class, etc. and customers are grouped by top sellers, bottom sellers and "region". Further, see also column 33, lines 8-15; noting each customer and vendor product is associated with a specified distribution network that includes a specific "warehouse", "distribution center", "store" and other relevant data.).

Claim 4

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses wherein the causing, during the current product sales promotion, a computer calculation of a product demand level for stores associated with at least one distribution center comprises:

- *causing, during the current product sales promotion, a computer calculation of a product demand level for stores associated with one distribution center for the current product sales promotion based on the outlook model and on point of sale data for the short period of time obtained from at least one store associated with the one distribution center (id. Noting historical and POS data associated with stores which are associated with DCs are updated and reconciled to determines affects of the promotion on demand. Further noting "Sales Promotion Analysis-- The MDA Module 134 reviews the demand history from POS Data 138 and Demand History Data 136 along with the customer promotion information from*

Promotion Data 142 to analyze the impact of promotions on sales. The results of such an analysis are then used to help adjust sales forecasts to account for promotions. Forecast Performance Evaluation--Using Demand Orientation Data 146, Demand History Data 136 and Promotion Data 142, the SFP 132 and MDA Module 134 can evaluate the quality of enterprise's forecasts and the customer projections." Further, see also FIG 31 and associated text; noting the "impact of sales promotion" is determined. Further noting "[I]ink POS data, where available, to the historical promotion information to analyze the real impact of promotion activities on demand, as opposed to relying on the estimates provides by the retailers.").

Claim 6

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses:

- *wherein the product demand level calculated for the stores in the first region includes a demand level for stores for which no point of sale data has been obtained in the current product promotion (see column 19, lines 31-57; noting top-down forecasting does not use POS data. Further, retailer based estimates (as noted *supra*) do not use POS data as well.).*

Claim 7

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses wherein the causing a computer calculation of a product demand level for stores associated with at least one distribution center comprises:

- *causing a computer calculation of a product demand level for stores associated with one distribution center for the current product sales promotion based on the outlook model and on point of sale data for the first period of time obtained from at least one store associated with the one distribution center (id. at Claim 4;* Noting historical and POS data associated with stores which are associated with DCs are updated and reconciled to determines affects of the promotion on demand. Further noting "Sales Promotion Analysis--The MDA Module 134 reviews the demand history from POS Data 138 and Demand History Data 136 along with the customer promotion information from Promotion Data 142 to analyze the impact of promotions on sales. The results of such an analysis are then used to help adjust sales forecasts to account for promotions. Forecast Performance Evaluation--Using Demand Orientation Data 146, Demand History Data 136 and Promotion Data 142, the SFP 132 and MDA Module 134 can evaluate the quality of enterprise's forecasts and the customer projections." Further, see also FIG 31 and associated text; noting the "impact of sales promotion" is determined. Further, see also column 14, lines 5-19; noting VMR determines the amount of inventory that will be necessary are all relevant points of the supply chain including sotres associated with the DCs in order to meet customer needs and maintain contractual agreements. Further see also FIGS 17

and 20; noting inventories for production plans, required components, potential capacity, SLAs, status and the like are accounted for in PDI Planning. Further, see column 68, lines 54-67; noting the model performs a calculation of required inventories for each echelon of the supply chain.).

Claim 13

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses:

- *causing a computer calculation of a product component amount for the at least one distribution center based on the product amount for the at least one distribution center and a component file listing the product components of the product* (see FIGS 16-18; noting forecasting of components is included as part of supply chain management. Further see also FIG 66, 68, 70; noting listing of product components. Further see column 24, lines 54-64; noting production requirements and component availability are based on sales plan.).

Claim 14

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses:

- *causing a computer calculation of a product inventory needed at the at least one distribution center based at least in part on the product amount for the at least one distribution center, and product inventory within the supply chain and accessible by the at least one distribution center or the stores associated with the at least one distribution center* (see column 14, lines 5-19; noting VMR

determines the amount of inventory that will be necessary are all relevant points of the supply chain in order to meet customer needs and maintain contractual agreements. Further see also FIGS 17 and 20; noting inventories for production plans, required components, potential capacity, SLAs, status and the like are accounted for in PDI Planning. Further, see column 68, lines 54-67; noting the model performs a calculation of required inventories for each echelon of the supply chain.).

Claim 17

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses:

- *wherein the electronic action comprises repositioning inventory or generating a purchase order for additional products based at least in part on the product inventory needed (id. at **Claim 1**. Further see "Replenishment Order Generation" noting "the main objective of the functionality is to provide the user with an initial set of replenishment quantities for a set of products with the consideration of the sell-through forecasts as well as VMR specific operating parameters. The quantities will then be approved by the user and converted into actual purchase orders.").*

8. **Claims 2 and 8-12 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Huang; in view of Landvater; further in view of Sheldon et al. US 5,765,143 (herein Sheldon).

Claim 2

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses:

- *obtaining via the network from multiple distribution centers in the supply chain historical invoice data, the historical invoice data indicative of products ordered for historical product sales promotions from the distribution centers by stores associated with the respective different distribution centers* (see FIGS 5 and 12 and associated text *inter alia* column 18, lines 64-67, col. 19, lines 1-3; noting the customer demand history and "customer promotion information from Promotion Data to analyze the impact of promotions on sale.").

Huang discloses using "regression models" and other conventional mathematical operations including "[c]ompute and analyze correlation between the demand for different product groups." Further, Huang discloses performing "Correlation Analysis Among Product Families"; "several basic time series models is applied to identify trend factors, seasonality indices and/or auto correlation structures"; and "correlation coefficient for a given pair of time series with properly defined time periods".

Huang/Landvater does not explicitly recite, however in analogous art Sheldon teaches:

- *causing a computer determination of correlations among multiple distribution centers based on the historical invoice data, and indicating that a predictor/predictee relationship exists between pairs of the distribution centers if the pair of distribution centers exhibits at least a predetermined correlation* (see

column 8, lines 57-63; noting statistical correlation of sales between stores is predictor/predictor relationship, predetermined correlation is implied.); *and*

- *causing a computer calculation of a predictor/predictor index value for the predictor/predictor pairs based on the historical invoice data, where the predictor/predictor index value indicates the ratio of the product sales volume for stores in the predictor distribution center to the product sales volume for stores in the predictor distribution center determined based on the historical product invoice data* (see column 8, lines 34-63; noting statistical correlation of sales between stores is predictor/predictor relationship, weighting factor is equivalent of index value.).

It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to combine the method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network of Huang/Landvater with the step of calculating a predictor/predictor index value taught by Sheldon because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 8

Huang/Landvater teaches the limitations above. Furthermore, Huang discloses wherein the causing, during the current product sales promotion, a computer calculation

of a product demand level for stores associated with at least one distribution center comprises:

- *causing a computer calculation of a product demand level for the stores associated with a first distribution center for the current product sales promotion based on the outlook model and on point of sale data for the first period of time obtained from at least one store associated with the first distribution center (see FIG 12 and associated text *inter alia* column 18, lines 45-67, col. 19, lines 1-7; noting POS data, historical data and customer projections are receives and leveraged to create a forecast. Further see also column 20, lines 40-42; noting association between region, product groups, etc. are made and factored into the forecast model. Further see also column 33, lines 8-15; noting the Distribution network and associations are used for supply planning.).*

Huang/Landvater does not explicitly recite, however in analogous art Sheldon teaches:

- *when a predictor/predictee relationship exists between the first distribution center and a second distribution center, causing a computer calculation of a product demand level for the stores in the second distribution center for the current product sales promotion based on the product demand level calculated for the first distribution center and a predictor/predictee index value for the first and second distribution centers (see column 8, lines 3-63; noting statistical correlation of sales between stores is predictor/predictee relationship, weighting factor is equivalent of index value.).*

It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to combine the method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network of Huang/Landvater with the step of calculating a predictor/predictee index value taught by Sheldon because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 9

Huang/Landvater does not explicitly recite, however in analogous art Sheldon teaches:

- *wherein the product demand level for the stores in the second distribution center is calculated to be the product demand level for the stores in the first distribution center multiplied by the predictor/predictee index (see column 8, lines 3-63; noting statistical correlation of sales between stores is predictor/predictee relationship, weighting factor is equivalent of index value.).*

It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to combine the method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network of Huang/Landvater with the step of calculating a predictor/predictee index value taught by Sheldon because the claimed invention is merely a combination of old elements, and in

the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 10,

The Examiner respectfully notes that "only when" is intended use language and does not modify and of the steps or results of the method, only when the method is performed. Thus, it will not patentably distinguish the claimed invention from the prior art. However in an effort to advance prosecution:

Huang/Landvater does not explicitly recite, however in analogous art Sheldon teaches:

- *wherein the causing a computer calculation of a product demand level for the stores in the second distribution center is performed only when point of sale data has not been obtained during the current product sales promotion for one or more stores associated with the second distribution center* (see column 8, lines 3-63, statistical correlation of sales between stores is predictor/predictee relationship, weighting factor is equivalent of index value. Further noting that the calculations may be performed based on historical data only where POS is not useful or available as noted in Huang supra.).

It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to combine the method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network of

Huang/Landvater with the step of determining a correlation between DCs taught by Sheldon because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 11

Huang teaches collecting historical invoice data from at least one historical product sales promotion (see FIG 12 and text in column 18, lines 64-67, col. 19, lines 1-7; noting demand history data is historical invoice data). Huang/Landvater does not explicitly recite however in analogous art Sheldon teaches wherein the determination of the correlation between the first distribution center and the second distribution center is based on historical invoice data (see column 8, lines 52-63).

It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to combine the method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network of Huang/Landvater with the step of determining a correlation between DCs taught by Sheldon because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 12

The Examiner respectfully notes that "when point of sale...current product sales promotion" is intended use language and does not modify and of the steps or results of the method, only when the method is performed. Thus, it will not patentably distinguish the claimed invention from the prior art.

Huang teaches wherein the causing a computer calculation of a product demand level for stores associated with at least one distribution center comprises:

- when point of sale data has not been obtained during the current product sales promotion for a threshold number of stores associated with one distribution center and when there is no predictor/predicted relationship between the one distribution center and any of the distribution centers for which point of sale data has been obtained for the threshold number of stores during the current product sales promotion, causing a calculation of a product demand level of stores associated with the one distribution center based on historical invoice data for the one distribution center and the outlook model (FIG 12, col. 18, lines 45-67, col. 19, lines 1-7, 31-57; noting the forecasting model may be made simply on historical invoice data when other data is not available. Further *id.* at **Claim 1**; noting POS data is used "when available" therefore the converse is true such that when it is not available it will not be used. Further noting "Min-Max" data policies are applied and exception thresholds may also be used.).

9. **Claim 5, 15 and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Huang; in view of Landvater; further in view of **Official Notice**.

Claim 5

Huang/Landvater does not expressly disclose wherein the calculation of the average product demand level per day for the stores associated with the one distribution center comprises multiplying a per day average product demand level over the short period of time for an average store associated with the one distribution center by the per day average product demand level over the promotion for an average store within the first region, and dividing by the per day average product demand level for the average store within the first region over the short period of time (i.e. the ratio of average demand per day in a DC to a region in the short term is equal to the ratio of average demand per day in a DC to a region in a longer time period).

Official notice was previously given, not timely traversed and is therefore admitted that forecasting demand using ratios of smaller sample sizes to larger sample sizes is old and well-known.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been

obvious to combine the teachings, motivated by the advantages of simplicity and smaller data sets by forecasting demand using ratios.

Claim 15,

Huang/Landvater does not expressly teach wherein the electronic action comprises displaying electronically the product inventory needed in an alert message. Official notice was previous taken, not timely traversed and is therefore admitted that wherein the electronic action comprises displaying electronically the product inventory needed in an alert message is old and well-known.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of quickly conveying important inventory information.

Claim 16

Huang/Landvater does not expressly teach wherein the electronic action comprises displaying electronically the product inventory needed in an alert message. Official notice was previous taken, not timely traversed and is therefore admitted that

wherein the electronic action comprises posting the product inventory needed to a website is old and well-known.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in increased accessibility to important inventory information.

10. **Claim 18 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Huang; in view of Landvater; further in view of Schroeder et al. US 2003/0130883 (herein Schroeder).

Claim 18

Huang/Landvater does not explicitly recite, however in analogous art Schroeder teaches wherein the outlook model is for a first product, and further comprising:

- causing a computer calculation of a second product change index based on historical point of sale data for a second product (see ¶¶ 83, 84; noting cross-elasticity is equivalent of second product change index, par. 92, 93);
- causing, during the current product sales promotion, a computer calculation of a product demand level for the second product for the stores associated with the at

least one distribution center for the current product sales promotion based on an outlook model for the second product, the second product change index, and point of sale data obtained during the current promotion (see ¶¶ 83, 84, cross-elasticity is equivalent of second product change index, par. 92, 93).

It would have been obvious to a person having ordinary skill in the art, at the time of the invention, to combine the method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network of Huang/Landvater with the product change index taught by Shroeder because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

The references cited in the form PTO-892 were not applied under relevant sections of §102 or §103 in the above Office action, however they are considered relevant to both claimed and unclaimed features of the instant invention. Applicant is herein advised to review the cited prior art references prior to responding to the instant Office action in order to expedite prosecution of the instant application.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **BRETT FEENEY** whose telephone number is **571.270.5484**. The Examiner can normally be reached on Monday-Thursday, 7:30am-6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Lynda Jasmin** can be reached at **571.272-6782**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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401 Dulany Street

Alexandria, VA 22314.

/BRETT FEENEY/

Examiner, Art Unit 3624

/LYNDA C JASMIN/

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